

REMARKS

Claims 36, 37, 39-46, 48-54, and 56-60 are pending. A Request for Continued Examination of the application under 37 CFR §1.114 is submitted herewith.

Examiner Interview

Applicant wishes to thank the Examiner for the courtesy of a telephonic interview on November 12, 2008. Applicant's definition of "fluid control film", as it relates to claim 36, was discussed. Agreement was not reached.

Allowed Claims

Applicant wishes to thank the Examiner for the notification that claims 51-54 and 56-60 are allowed.

§ 102 Rejections

Claims 36-37, 39, 43, 45-46, 48, and 49 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 2, 896, 618 (Schaefer). The Patent Office asserts that, "Schaefer discloses in figures 1-8 a medical treatment article comprising at least one fluid control film component 11 having at least one microstructure-bearing surface (the lower surface of 11), with a plurality of microreplicated channels 13 extending along the surface to permit the transport of fluid between a medical site and A patient, a remote area that includes reservoir 10..."

The Patent Office apparently has equated film 11 of Schaefer with Applicant's fluid control film component of claimed medical treatment article. Applicant reiterates the assertion that the article of Schaefer does not comprise a fluid control film component as claimed (see Applicant's Response to Office Action dated June 5, 2008, pages 8-9). Applicant thanks the Patent Office for clarifying that the openings 15 of Schaefer were not interpreted as channels.

The fluid control film component is expressly defined in the Applicant's specification (see page 7, lines 19-21), as follows:

"Fluid Control Film ("FCF) refers to a film or sheet or layer having at least one major surface *comprising a microreplicated pattern* capable of manipulating, guiding, containing, spontaneously wicking, transporting, or controlling, a fluid." (emphasis added)

Schafer does not expressly or impliedly disclose that the film 11 of U.S. Patent No. 2,896,618 has at least one major surface comprising a microreplicated pattern. For the purpose of advancing prosecution, Applicant has amended claim 36 to indicate that the at least one fluid control film component has at least one major surface comprising a plurality of microreplicated channels that extends along the surface, which is consistent with Applicant's definition of "fluid control film" cited supra.

In summary, Schaefer does not anticipate claims 36-37, 39, 43, 45-46, 48, and 49. Section 2131 of the MPEP states that, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Schaefer document does not disclose, either expressly or inherently, at least one fluid control film component having at least one major surface comprising a plurality of microreplicated channels that extends along the surface. Therefore, Schaefer does not disclose all of the structural features of the claimed medical treatment article.

For at least the reasons discussed above, the rejection of claims 36-37, 39, 43, 45-46, 48, and 49 under 35 USC § 102(b) as being anticipated by Schaefer has been overcome and should be withdrawn.

§ 103 Rejections

Claims 41-42, 44, and 50 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 2, 896, 618 (Schaefer). Claims 41-42, 44, and 50 each add additional features to claim 36. Claim 36 is patentable over Schaefer for at least the reasons given above. Thus, claims 41-42, 44, and 50 are likewise patentable.

The rejection of claims 41-42, 44, and 50 under 35 USC § 103(a) as being unpatentable over Schaefer has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application is requested.

Respectfully submitted,

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